

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

George C. Garland

v.

Case No. 17-cv-171-JD

New England

O R D E R

George C. Garland, who is proceeding pro se and in forma pauperis, filed a complaint that was subject to preliminary review under 28 U.S.C. § 1915(e)(2) and Local Rule 4.3(d)(1). Based on that review, the magistrate judge found that Garland's claims appeared to be frivolous and failed to state a cognizable cause of action. The magistrate judge recommended that the complaint be dismissed pursuant to § 1915(e)(2)(B).

In response, Garland filed a motion to unseal the case and for appointment of counsel in which he provided more detail about the subject matter of his complaint. The magistrate judge issued a supplemental report and recommendation, applying the standard under § 1915(e)(2) with consideration of the additional detail in the motion. The magistrate judge again recommended that the complaint be dismissed but without prejudice to Garland's ability to assert claims against Concord Hospital and

Camp Fatima in state court. In a separate order, the magistrate judge granted Garland's motion to unseal his case, as provided in the order, and denied his request for appointed counsel.

Garland then filed a motion to enter evidence into the record (document no. 11), including medical records, and asked to have specified medical providers release his medical records. He filed fifteen pages of medical records with the motion and conventionally filed a disk, which he represents contains recordings. The medical records contain personal identifiers that are listed in Federal Rule of Criminal Procedure 49.1. Because that filing makes such information available through the internet, good cause exists to prohibit nonparties from access to the motion. Therefore, the clerk of court shall limit remote access to that motion pursuant to Rule 49.1.

Garland also filed an objection to the initial report and recommendation, which recites his interaction with court personnel and discusses a case that appears to have been in state court. After due consideration of Garland's objection, I approve the report and recommendation dated October 16, 2017, and the supplemental report and recommendation, dated November 1, 2017.

Conclusion

For the foregoing reasons, the report and recommendation issued on October 16, 2017, (document no. 5) and the supplemental report and recommendation issued on November 1, 2017, (document no. 8) are approved and adopted.

The complaint (document no. 1) is dismissed without prejudice to Garland's ability to assert claims against Concord Hospital or Camp Fatima under state law in any state court with jurisdiction over such claims.

Garland's motion to enter evidence (document no. 11) is denied as moot. The clerk of court shall limit remote access to Garland's motion to enter evidence (document no. 11) pursuant to Federal Rule of Criminal Procedure 49.1. The clerk of court shall return the disk filed with document no. 11 to Garland.

The clerk of court shall enter judgment accordingly and close the case.

SO ORDERED.

/s/ Joseph A. DiClerico, Jr.
Joseph DiClerico, Jr.
United States District Judge

November 17, 2017

cc: George C. Garland, pro se